IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

APPEAL NO. 654 OF 1998
IN
NOTICE OF MOTION NO.1858 OF 1997
IN
SUIT NO. 180 OF 1995

Parvatibai widow of Mahadeo Ramchandra Raut,
(expired on 28.7.01)

1) Shri Vikas Motiram Raut
(Grandson of deceased appellant), residing at Flat No.9, Ground floor, B Wing, Sai Building No.1, Near Nancy Colony, Borivli(East).

2) Shri Vivek Motiram Raut,
(Grandson of deceased Appellant) residing at Marian Nagar Co.op. Hsg., Sco., Flat No.2, Building No.11, Marian Nagar, Naigaon Rly.Station (W), Tal. Vasai, Dist. Thane.

3) Smt.Shardabai Mahadeo Raut,
(married daughter of deceased Appellant), residing at Utshanhi Maratha Mandal Co.op. Hsg. Socy., Flat No.101, 1st floor, Ribol Road, Mount Mary, Step Near, Bandra, Mumbai 50.

4) Smt. Sitabai Motiram Raut,
(widow daughter in law of the deceased), residing at Flat No.9, Gr.floor, 'B' Wing, Sai Byuilding No.1, Near Nancy, Colony, Borivli (West).

5) Smt. Vidya Vasant Kamble,
(Married Grand daughter of deceased, residing at Block No.100, Ground floor, Sai Krupa Building, Shanti Park, Nalasopara (West), Mumbai. Appellants

vs.

1. State Bank of India,
through its Branch Manager
Dadar Branch, Sharifa Mansion,
Swami Gyan Jivandas Marg,
Dadar, Bombay 400 014.

2. Smt.Siddhi Vinayak Sakpal,

3. Vinayak Atmaram Sakpal
both of Bombay Indian Inhabitants,
residing at Flat No.9, Block B,
1st Floor, Shajivan Mahatma
Phule Road, Naigaon,Bombay-14. Respondents

Ms. Kumud Bhatia for the appellants.

Mr. M. J. Jamdar for respondents 2 and 3.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ

DATED : 19th August 2004

ORAL JUDGMENT (Per R.M. Lodha,J.)

Heard.

2. It is not necessary to deal with the matter at length. In view of the fact that the subject TDRs/FDRs and other deposits are being renewed from time to time by the respondent no.1-State Bank of India, we are of the view that the same arrangement must continue until disposal of suit. We order accordingly and the impugned order of the learned motion Judge stands modified to that extent.

3. Looking to the controversy involved in the suit, we are of the view that suit itself deserves to be heard at an early date. We, accordingly, permit the parties to move the learned trial Judge for fixing the calendar of dates for hearing of the suit.

4. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)